

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Criminal No. 19-50(1) (ADM/TNL)**

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United States of America,

Plaintiff,

vs.

Johntez Leondis Randle,

Defendant.

**SUPPLEMENTAL MEMORANDUM  
IN SUPPORT OF MOTION  
FOR HEARING PURSUANT TO  
*FRANKS v. DELAWARE***

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Johntez Randle has moved the Court for a hearing pursuant to *Franks v. Delaware*, 438 U.S. 154 (1978), and has filed memoranda supporting that motion. Based on further review of the evidence, Mr. Randle now submits this brief memorandum to point out additional issues with the credibility of Off. Efrem Hamilton, the officer whose search warrant affidavit is at issue in this case and would be the subject of the *Franks* hearing.

In the search warrant affidavit, in support of his request for a no-knock warrant, Off. Hamilton states:

An unannounced entry is necessary to prevent the loss, destruction, or removal of the objects of the search, or to protect the safety of the searches or the public because, RANDLE has multiple convictions for committing felony assaults including domestic assaults. He also has multiple convictions of felony firearms possession to include a conviction for possession of a short-barreled shotgun.

(Govt Ex. 1 at 4.)

This is inaccurate, and more importantly, it is inaccurate in the same manner as Off. Hamilton's previously documented misstatements about the number of buys and arrests

involving Mr. Randle. Mr. Randle has one felony conviction for assault, not multiple convictions. Although he has other convictions for a 5th Degree Assault and a Domestic Assault, both of these convictions were misdemeanors. Likewise, Mr. Randle does not have “multiple convictions of felony firearms possession.” He was adjudicated delinquent for a firearm offense as a juvenile, but he has only one adult conviction for possessing a short-barrel shotgun. Attached to this memorandum is the bond report showing Mr. Randle’s criminal history.

One mistake might be written off as negligence, but here there is a consistent and pervasive pattern throughout Off. Hamilton’s affidavit to misstate the facts to support in what was already a weak if not utterly insufficient search warrant affidavit. It strains credibility that an experienced officer like Off. Hamilton could have made so many misstatements of easily verifiable facts through simple negligence. And in an affidavit that arguably failed to establish probable cause even with the misstatements, these misstatements were essential to the magistrate’s decision to grant the warrant. Mr. Randle respectfully asks the Court to grant his request for a *Franks* hearing.

Dated: January 8, 2020

Respectfully submitted,

S/Thomas H. Shiah  
Thomas H. Shiah #100365  
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(612) 338-0066

Attorney for Defendant

<u>Date of Arrest</u>	<u>Agency</u>	<u>Charge</u>	<u>Disposition</u>
12/13/2002 (Age 16)	Hennepin County Juvenile Court; Minneapolis, MN; Case No.: J2-02-70342	Persons not to Have Guns ( <b>Felony</b> )	12/17/2002: Adjudicated delinquent; pled guilty and sentenced to probation 03/07/2003: Warrant issued; probation violation-new criminal conduct 03/10/2003: Probation conditions amended 04/19/2004: Dismissed
The defendant was represented by counsel.			

01/07/2004 (Age 17)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-04-021530	Ct. 1: Attempted Murder in the Second Degree ( <b>Felony</b> ) Ct. 2: Assault in the First Degree ( <b>Felony</b> ) Ct. 3: Assault in the Second Degree ( <b>Felony</b> ) Ct. 4: Certain Persons Not to Have Pistols ( <b>Felony</b> )	08/18/2004: Acquitted of all charges
The defendant was represented by counsel.			

12/18/2004 (Age 18)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-04-82968	Obstruct Legal Process or Arrest (Misdemeanor)	04/27/2005: Pled guilty; 90 days confinement with 85 days stayed for 1 year and 1 year probation
The additional charge for Negligent Storage of Firearms (Gross Misdemeanor) was dismissed on April 27, 2005.			

08/10/2005 (Age 19)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-05-050650	Fifth Degree Controlled Substance Crime-Possession ( <b>Felony</b> )	09/15/2005: Dismissed
The defendant was represented by counsel.			

10/01/2005 (Age 19)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-05-63181	Possession of a Short-Barreled Shotgun ( <b>Felony</b> )	03/06/2006: Pled guilty 04/17/2006: 90 days confinement, 3 years probation, and fined 08/03/2006: <i>Warrant issued; probation violation-failure to remain law abiding</i> 08/07/2006: Warrant returned 12/07/2006: <b>Probation violation</b> 02/12/2007: <i>Stay of imposition revoked; 13 months imprisonment</i>

10/29/2005 (Age 19)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-05-70003	Fourth Degree Driving While Intoxicated (Misdemeanor)	04/17/2006: Pled guilty; 15 days confinement

02/08/2006 (Age 19)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-06-010446	Ct. 1: No Minnesota Driver's License Ct. 2: No Insurance Ct. 3: Speeding	04/17/2006: All counts dismissed
Attorney representation is unknown.			

07/27/2006 (Age 20)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-06-51091	Fifth Degree Drug Possession ( <b>Felony</b> )	01/10/2007: Pled guilty 02/12/2007: 15 months imprisonment
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11/20/2006 (Age 20)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-194	Ct. 1: Passenger Possess Open Bottle in Motor Vehicle Ct. 2: No Insurance Ct. 3: Illegal Possession or Consumption of Alcohol Under Age 21	05/04/2011: All counts dismissed
The defendant was represented by counsel.			

12/05/2006 (Age 20)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-06-83701	Fifth Degree Drug Possession ( <b>Felony</b> )	01/10/2007: Pled guilty 02/12/2007: Dismissed; conditions met or expired
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12/21/2006 (Age 20)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-06-9931	Fifth Degree Drug Possession ( <b>Felony</b> )	04/13/2006: Pled guilty; 90 days confinement and 3 years probation 08/03/2006: <i>Warrant issued; probation violation-new criminal conduct</i> 08/07/2006: Warrant returned 02/12/2007: <b>Probation revoked; 13 months imprisonment</b>
The additional charged for Third Degree Drug Possession was dismissed on April 17, 2006.			

10/15/2007 (Age 21)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-199	Ct. 1: Speed Ct. 2: Driving After Revocation	05/04/2011: Both counts dismissed
The defendant was represented by counsel.			

11/03/2007 (Age 21)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-193	Ct. 1: No Insurance - Owner Ct. 2: Driving After Revocation	05/04/2011: Both counts dismissed
The defendant was represented by counsel.			

12/13/2007 (Age 21)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-08-6207	Third Degree Assault (Felony)	12/01/2008: Pled guilty 03/11/2009: <i>Warrant issued</i> 03/18/2009: Warrant cleared by arrest 04/21/2009: 21 months imprisonment stayed for 3 years, 3 years probation, and fined 02/22/2010: <i>Warrant issued;</i> <i>probation violation</i> 03/12/2010: Warrant cleared 09/10/2010: <i>Warrant issued;</i> <i>probation violation</i> 09/14/2010: Warrant cleared 10/04/2010: <i>Warrant issued;</i> <i>probation violation</i> 10/19/2010: Warrant cleared 01/20/2011: <i>Warrant issued;</i> <i>probation violation</i> 01/23/2011: Warrant cleared 05/04/2011: <b><i>Stay of imposition</i></b> <b><i>revoked; 21 months</i></b> <b><i>imprisonment</i></b>
The additional charge for First Degree Aggravated Robbery (Felony) was dismissed on April 21, 2009.			

02/06/2008 (Age 21)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-187	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

02/13/2008 (Age 21)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-181	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

04/21/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-188	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

04/23/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-184	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

05/13/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-09-16688	Fifth Degree Drug Possession ( <b>Felony</b> )	04/21/2009: Pled guilty; 17 months imprisonment stayed for 3 years, 3 years probation, and 180 days confinement 02/22/2010: <i>Warrant issued; probation violation</i> 03/12/2010: Warrant cleared 09/10/2010: <i>Warrant issued; probation violation</i> 09/14/2010: Warrant cleared by arrest 10/04/2010: <i>Warrant issued; failure to appear</i> 10/19/2010: Warrant cleared
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			01/20/2011: <i>Warrant issued; probation violation</i> 01/23/2011: Warrant cleared 05/04/2011: <i>Stay of imposition revoked; 17 months imprisonment</i>
The additional charge for Third Degree Drug Sale (Felony) was dismissed on April 21, 2009.			

05/13/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-08-23918	Fifth Degree Assault (Misdemeanor)	04/21/2009: Pled guilty; 90 days confinement
The additional charges for Fifth Degree Assault (Misdemeanor) and Fourth Degree Damage to Property (Misdemeanor) were dismissed on April 21, 2009.			

05/23/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-189	Riding Public Transit Without Paying the Proper Fare	05/04/2011: Dismissed
The defendant was represented by counsel.			

06/12/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-186	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

06/25/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-08-31866	Controlled Substance Crime - Fifth Degree Possession (felony)	04/21/2009: Dismissed
The defendant was represented by counsel.			



07/13/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-08-34540	Loiter With Intent-Narcotics	09/23/2008: Dismissed
The defendant was represented by counsel.			

10/02/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-09-8374	Fifth Degree Drug Possession (felony)	04/21/2009: Dismissed
The defendant was represented by counsel.			

10/05/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-08-49850	Ct. 1: Emergency Telephone Calls/ Interfere with 911 Call Ct. 2: Domestic Assault-Misdemeanor-Commits Act With Intent to Cause Fear of Immediate Bodily Harm or Death	07/10/2009: Both counts dismissed
The defendant was represented by counsel.			

11/23/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-08-64459	Order for Protection Violation	07/10/2009: Dismissed
Attorney representation is unknown.			

12/08/2008 (Age 22)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-09-3013	Fifth Degree Domestic Assault (Misdemeanor)	01/30/2009: Warrant issued; failure to appear 03/19/2009: Warrant cleared 08/10/2009: Pled guilty; 90 days confinement
The additional charges for Interference with a 911 Call (Gross Misdemeanor) and Order for Protection Violation (Misdemeanor) were dismissed on August 10, 2009.			

08/04/2009 (Age 23)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-182	Ct. 1: Driving After Revocation Ct. 2: No Insurance - Owner	05/04/2011: Both counts dismissed
The defendant was represented by counsel.			

08/26/2009 (Age 23)	Anoka County District Court; Anoka, MN; Case No.: CR-09-9933	Disorderly Conduct (Petty Misdemeanor)	09/15/2011: Pled guilty; fined
The additional charge for Fifth Degree Assault (Misdemeanor) was dismissed on September 15, 2011.			

10/08/2009 (Age 23)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-09-51580	Receiving/Possessing Stolen Property (Misdemeanor)	03/08/2010: <i>Warrant issued; failure to appear</i> 03/12/2010: Warrant cleared 04/19/2010: Warrant issued; failure to appear 04/22/2010: Warrant cleared 05/06/2010: Pled guilty; 30 days confinement stayed for 1 year, 1 year probation, and fined
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12/11/2009 (Age 23)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-09-825	Order for Protection Violation (Misdemeanor)	01/30/2009: Warrant issued; failure to appear 03/18/2009: Warrant cleared 08/10/2009: Pled guilty; 90 days confinement and fined
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05/11/2010 (Age 24)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-190	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

05/17/2010 (Age 24)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-VB-11-191	Driving After Revocation	05/04/2011: Dismissed
The defendant was represented by counsel.			

09/04/2010 (Age 24)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-11-24486	Ct. 1-Driving While Intoxicated-Under Influence of Drugs (Gross Misdemeanor) Ct. 2-Driving After Revocation (Misdemeanor)	10/04/2011: <i>Warrant issued; failure to appear</i> 10/13/2011: Warrant cleared 06/06/2012: Convicted by jury on both counts; 1 year confinement

06/23/2011 (Age 25)	Hennepin County District Court; Minneapolis, MN; Case No.: 27-CR-11-21287	Participate in a Disorderly House	12/09/2011: Dismissed
The defendant was represented by counsel.			

03/09/2012 (Age 25)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-12-33087	Ct. 1-Second Degree Driving While Intoxicated (Gross Misdemeanor) Ct. 2-Driving While Intoxicated-Under Influence of any Two Substance (Gross Misdemeanor) Ct. 3-Driving While Intoxicated-Under Influence of any Schedule I/II Drugs (Gross Misdemeanor) Ct. 4-Driving After Revocation (Misdemeanor) Ct. 5-Careless Driving (Misdemeanor)	06/16/2014: Pending hearing

08/23/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-12-35233	Driving After Cancellation-Inimical to Public Safety (Gross Misdemeanor)	12/06/2012: <i>Failure to appear</i> 05/16/2014: Pending hearing
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10/06/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-112-33625	Theft (Misdemeanor)	11/13/2012: <i>Warrant issued; failure to appear</i> 11/16/2012: Warrant cleared by arrest 11/28/2012: Pled guilty; 90 days confinement with 87 days stayed for 1 year, 1 year probation and fined
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10/10/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-13-12304	Trespassing (Misdemeanor)	05/20/2013: <i>Warrant issued; failure to appear</i> 05/28/2013: Warrant cleared 07/08/2013: <i>Warrant issued; failure to appear</i> 07/18/2013: Warrant cleared 09/13/2013: Pled guilty; 10 days confinement stayed for 1 year, 1 year probation, and fined
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10/30/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-12-8014	Theft (Misdemeanor)	08/12/2013: <i>Warrant issued; failure to appear</i> 08/21/2013: Warrant quashed 12/30/2013: <i>Failure to appear</i> 01/03/2014: Warrant issued 01/14/2014: Warrant returned 05/12/2014: Pending jury trial
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11/06/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-12-37519	Trespass (Misdemeanor)	01/14/2013: <i>Warrant issued; failure to appear</i> 03/01/2013: Warrant cleared 06/16/2014: Pending hearing
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11/14/2012 (Age 26)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-13-1876	Third Degree Drug Sale ( <b>Felony</b> )	01/18/2013: <i>Warrant issued; failure to appear</i> 03/01/2013: Warrant cleared by arrest 05/12/2014: Pending hearing
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05/07/2013 (Age 27)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-13-14625	Second Degree Drug Possession ( <b>Felony</b> )	06/16/2014: Pending jury trial
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07/17/2013 (Age 27)	Stearns County District Court; St. Cloud, MN; Case No.: CR-13-2381	Ct. 1-Possess Counterfeit Currency (Gross Misdemeanor) Ct. 2-Driving After Cancellation (Misdemeanor)	01/27/2014: <i>Warrant issued; failure to appear</i> 02/13/2014: Warrant cleared 05/05/2014: Pending hearing
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10/23/2013 (Age 27)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-14-725	Driving After Cancellation (Gross Misdemeanor)	01/25/2016: Dismissed
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12/31/2013 (Age 27)	Dakota County District Court; Hastings, MN; Case No.: CR-14-32	Uttering or Possessing Counterfeit Currency (Gross Misdemeanor)	09/29/2014: Pending jury trial
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04/08/2014 (Age 27)	Scott County District Court; Shakopee, MN; Case No.: CR-14-6007	Ct. 1: Driving After Cancellation (Gross Misdemeanor) Ct. 2: Unregistered Vehicle Certain Acts Forbidden (Misdemeanor)	02/01/2016: Pled guilty to both counts and fined
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05/30/2014 (Age 28)	U.S. District Court District of Minnesota; Minneapolis, MN; Case No.: 0864 0:14CR00134-001(JRT)	Ct. 1: Aiding and Abetting Uttering Counterfeit Obligations ( <b>Felony</b> ) Ct. 3: Conspiracy to Deal in Counterfeit Currency ( <b>Felony</b> )	08/22/2014: Pled guilty to both counts 04/14/2015: 51 months imprisonment and 3 years probation on each count served concurrently 03/09/2018: Released to supervised release 05/09/2018: <i>Supervised release violation (cocaine usage and non-compliance with drug treatment)</i> 05/24/2018: <i>Supervised release conditions modified; 30 days location monitoring</i> 06/27/2018: <i>Supervised release conditions modified; 60 days location monitoring (cocaine usage)</i> 08/14/2018: <i>Supervised release modified up to</i>
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			<p><b>120 days placement at RRC (cocaine usage and termination from drug treatment)</b></p> <p>09/11/2018: <i>Supervised release violation (cocaine usage)</i></p> <p>02/01/2019: <i>Supervised release violation (new criminal conduct-instant federal offense)</i></p> <p>02/11/2019: <b>Supervised release revoked</b></p> <p>03/08/2021: <b>Anticipated supervised release expiration date</b></p> <p><b>ACTIVE FELONY SUPERVISED RELEASE</b></p> <p><b>PENDING FINAL REVOCATION</b></p> <p><b>ACTIVE FELONY HOLD</b></p>
<p>According to the presentence investigation report, Johntez Randle was the manager or supervisor of this organization. He produced the counterfeit bills and sold the counterfeit bills to others in the conspiracy. He recruited others to pass bills and to drive him in furtherance of the conspiracy.</p>			

08/05/2017 (Age 31)	Hennepin County District Court; Minneapolis, MN; Case No.: CR-17-19536	No Driver's License in Possession (Misdemeanor)	05/17/2018: 90 days confinement with 60 days stayed (credit for 30 days served) for 1 year and 1 year probation
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06/19/2018 (Age 32)	Hennepin County District Court; Minneapolis, MN; Case No.: VB-18-210400	Vehicle Registration Required (Petty Misdemeanor)	06/19/2018: Pled guilty; fined
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08/05/2018 (Age 32)	Hennepin County District Court; Minneapolis, MN; Case No.: VB-18-256280	Parked Overtime in a Meter Zone (Petty Misdemeanor)	10/15/2018: Pled guilty; fined
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10/20/2018 (Age 32)	Hennepin County District Court; Minneapolis, MN; Case No.: VB-18-329846	Violated Limited Driver's Conditions-License Not in Possession (Misdemeanor))	10/22/2018: Pled guilty; fined 01/17/2019: Dismissed; conditions met or expired
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11/28/2018 (Age 32)	Hennepin County District Court; Minneapolis, MN; Case No.: VB-18-376047	Duty to Drive with Care (Petty Misdemeanor)	02/05/2019: <i>Failure to appear (in federal custody)</i>
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01/30/2019 (Age 32)	Hennepin County District Court ; Minneapolis, MN; Case No.: CR-19-2840	Ct. 1: First Degree Drug Sale 17 Grams or More of Cocaine or Methamphetamine within a 90-Day Period ( <b>Felony</b> ) Ct. 2: First Degree Drug Sale 50 Grams or More Cocaine or Methamphetamine ( <b>Felony</b> ) Ct. 3: Endanger a Child Permit Present Sale/Possess a Controlled Substance (Gross Misdemeanor)	02/22/2019: All counts dismissed
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According to the complaint, on January 30, 2019, officer executed a warrant at the defendant's residence. Officers observed the defendant exit the vehicle at his residence and as the officers approached, he threw a bag at his feet. The bag contained 96.59 grams and 173.52 grams of cocaine. A search of the residence revealed \$6,1280 in cash in the defendant's bedroom he shared with D.E. Officers recovered mail and clothing belonging to the defendant and D.E. Officers recovered 15 bindles of cocaine. Two children had been left at home alone, ages, 7, and 12. The cocaine was in a storage closet that was accessible to the children.

This case was dismissed based on his indictment in the instant federal offense.

#### **ASSESSMENT OF NONAPPEARANCE:**

The defendant poses a risk of nonappearance for the following reasons:

1. Offense Charged and/or Defendant's Conduct During Arrest for Instant Offense
2. Substance Abuse History
3. Criminal History Including Record of Failure to Appear
4. Criminal Activity while under Supervision
5. Pretrial, Probation, Parole, or Supervised Release Status and Compliance

#### **ASSESSMENT OF DANGER:**

The defendant poses a risk of danger for the following reasons:

1. Nature of Instant Offense
2. Prior Arrests and Convictions
3. Substance Abuse History
4. Pretrial, Probation, Parole, or Supervised Release Status and Compliance
5. Violent Behavior History
6. Criminal Activity while under Supervision
7. Gang Involvement: Almighty Black P. Stone Nation
8. History/Charge Involving Violence/Domestic Violence
9. History of Weapons Use
10. Pattern of Similar Criminal Activity History

#### **PRETRIAL RISK ASSESSMENT (PTRA):**

The PTRA is an objective, quantifiable instrument that provides a consistent and valid method of predicting risk of failure to appear, new criminal arrest, and technical violations while on pretrial release.

The defendant's PTRA Risk Score is 12 which falls within Category 5.

Out of a sample size of 181,739 defendants, 3% fell within Category 5, which predicts that 6% of defendants will Fail to Appear, 10% will have a New Criminal Arrest, 20% will either Fail To Appear or have a New Criminal Arrest, 19% will commit technical violations, and 35% will either have a Failure to Appear, New Criminal Arrest, or Technical Violation.